

HISTORY OF SOLID WASTE REDUCTION IN TENNESSEE

Presented by

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In 1989, there were some 100 Class I landfills in 82 counties in Tennessee. Approximately 80% were publicly owned and many of them were reaching their capacity. Some of them also failed to meet federal guidelines due to lack of liners, and leachate and gas collectors.

Also in 1989, the Tennessee General Assembly passed the *Tennessee Solid Waste Planning and Recovery Act* directing the State Planning Office to establish a comprehensive solid waste management plan for the state. A research team, aided by the State Planning Office, UT's Waste Management Research and Education Institute, representatives from industrial and commercial organizations, and citizens from the private sector adopted a comprehensive solid waste management bill for legislative consideration and, during its 1991 session, the Tennessee General Assembly adopted two pieces of legislation entitled, the ***Solid Waste Management Act of 1991*** and the ***Solid Waste Authority Act of 1991***.

The Solid Waste Management Act (SWMA) [TCA §68-211-801, et seq] was enacted to reduce the volume of municipal solid waste being disposed in Class I (sanitary) landfills, which were rapidly reaching full capacity. The SWMA recommended that the state's counties form multi-county solid waste regions, sharing use of the landfills within those regions, and taking advantage of lower tipping fees and other related costs. SWMA called for the initiation of the following nine programs, which would be funded by a landfill surcharge: (1) local governments must establish ***Solid Waste Planning Regions*** to assure waste disposal capacity and to achieve waste reduction goals; (2) to assure adequate collection systems, counties must provide services to residents currently not receiving them; (3) the state must adopt a 25% waste reduction goal to be achieved by July 1, 1994; (4) to meet the goal, source reduction and recycling need to be initiated; (5) problem wastes must be separated for the solid waste stream and managed separately; (6) public information and education efforts should ensure an informed and dedicated public; (7) technical assistance should be provided the local government officials to assist them in making solid waste choices; (8) research efforts should be supported and data files maintained in order to identify and anticipate potential problems; and (9) local governments should be required to maintain their solid waste accounts on full-cost basis. Every solid waste region in the state must appoint a ***solid waste planning board***, composed of representatives of each county and each city which participates in a solid waste program, to plan, advise, and administer the activities of the region.

Regional Solid Waste Planning Boards were mandated to develop ten year plans for disposal capacity assurance, 25% waste reduction, collection assurance, solid waste education, and other aspects of integrated solid waste management. Duties and powers of the Regional Solid Waste Planning Board are spelled out in TCA §68-211-813 thru 815. State lawmakers intended that the Board and its plan would guide the activities of those entities implementing that plan. They were required to approve the Ten-Year Plan, they must approve applications for solid waste facilities, and they must approve the Annual Progress Report. Solid waste planning boards are not empowered to actually implement plans because they lack the ability to authorize and provide funding. Thus, the boards recommend appropriate implementation vehicles such as county and city jurisdictions, sanitation boards and committees, interlocal agreements, and Part 9 Solid Waste Authorities.

Part 9 Solid Waste Authorities, authorized under the Solid Waste Authority Act of 1991 [TCA §68-211-901, et seq] are independent governmental entities designed to implement regional solid waste programs. They are different from other solid waste authorities, commissions, boards, cooperatives, committees, etc., formed by county commissions as a result of interlocal agreements or private acts. The legislature wanted counties in the newly formed solid waste regions to have the Part 9 solid waste option available as a tool as they sought to implement mandates under the Solid Waste Management Act. These authorities respond specifically to the Solid Waste Authority Act which grants them unprecedented autonomy and responsibility in order that regional solid waste management services be expedited, economized, and consolidated.

Part 9 Authorities have certain rights not available to Planning Boards: (1) the right to sue and be sued; (2) right to acquire real and personal property, and exercise the power of eminent domain in order to achieve solid waste planning goals; (3) the right to enter into contracts; (4) power to issue revenue bonds on its own authority; (5) borrow money and incur debt; (6) employ agents and pay compensation to employees; and (7) set tipping fees and surcharges. A Part 9 Authority can operate very independently, especially if the authority and the planning board have the same board membership. Local governments that are uncomfortable with giving up control of day-to-day operational and funding control over their solid waste programs should not choose the Part 9 Authority option.

A major difference between a solid waste advisory board and a Part 9 Authority is that the advisory board is **mandated** by law to develop a regional solid waste plan for disposal capacity assurance, 25% waste reduction, collection assurance, solid waste education and other aspects of integrated solid waste management. A Part 9 Authority is an **optional** tool for consolidating, integrating, and administering these programs between various county and city jurisdictions.

The Waste Reduction and Diversion Goal is 25% reduction of waste at Class I facilities. This reduction is calculated on a per capita basis using 1995 as the base year and December 31, 2003 as the effective date (Legislation passed in 2007 dropped December 31, 2003 making the 25% goal ongoing). An alternative method of calculating this reduction uses an economic growth method prescribed by the Department and approved by the Solid Waste Advisory Committee.

If a region fails to meet the reduction goal, the Department will “qualitatively assess” the activities and expenditures of the region to determine whether its program is qualitatively equivalent to that of other regions that met the goal, and whether the failure was due to factors beyond the region’s control.

The first step in a “qualitative assessment” is to compare the region’s total solid waste generation (disposed waste plus recycling and diversion) with the Class I disposal tonnage. This method is referred to as “real time”. If the region meets the 25% goal using the Real Time method no further action is necessary. If not met, the region is subject to the full qualitative assessment procedure.